

## **IC 8-2-19**

### **Chapter 19. Suspension of Certain Railroad Freight Rates**

#### **IC 8-2-19-1**

##### **Suspension pending transportation department determination**

Sec. 1. (a) Whenever there is filed with the Indiana department of transportation a schedule stating a new individual or joint rate or charge, a new individual or joint classification, or a new individual or joint regulation or practice affecting a rate or charge, the department has the authority, either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleadings by the interested carrier or carriers, upon reasonable notice, to hold a hearing concerning the propriety of the rate, charge, classification, regulation, or practice.

(b) Pending a hearing and the decision, the Indiana department of transportation, upon filing with the schedule and delivering to the carrier or carriers a statement in writing of its reason may suspend the operation of the schedule and defer the use of the rates, charge, classification, regulation, or practice, for a period not longer than one hundred and twenty (120) days beyond the time when the rate, charge, classification, regulation, or practice would otherwise go into effect.

(c) After full hearing, whether completed before or after the rate, charge, classification, regulation, or practice goes into effect, the Indiana department of transportation may make an order as would be proper in a proceeding initiated after it had become effective.

(d) If a hearing cannot be concluded within the period of suspension, the Indiana department of transportation may extend the time of suspension for a period not exceeding thirty (30) days, and if the proceeding has not been concluded and an order made at the expiration of thirty (30) days, the proposed change of rate, charge, classification, regulation, or practice shall go into effect at the end of the period.

(e) At a hearing involving a rate sought to be increased, the burden of proof to show that the increased rate or proposed increased rate is just and reasonable is upon the common carrier. The Indiana department of transportation shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.

*(Formerly: Acts 1911, c.186, s.1; Acts 1929, c.143, s.1.) As amended by P.L.59-1984, SEC.116; P.L.89-1985, SEC.10; P.L.18-1990, SEC.32.*